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**ORDINANCE NO. 48-986**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

**BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.**

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON 2010-00031**

Zone change request from LI Limited Industrial to LC Limited Commercial and MF-18 Multi-family Residential on property described as:

LC (11.61 acres): Lots 2, 3 and 4, Block A, Stoney Pointe Addition, Wichita, Sedgwick County, Kansas.

MF-18 (34.16 acres): Lot 1, Reserves A, B, C and D, Block A, Stoney Pointe Addition, Wichita, Sedgwick County, Kansas.

Generally located on the south side of 29<sup>th</sup> Street North, east of Greenwich Road.

SUBJECT TO THE FOLLOWING AMENDED PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #74 in effect for properties zoned MF-18 and LC:

Item 1 shall be amended to add: All uses permitted in the MF-18 zoning district as allowed by the Unified Zoning Code for property described by the rezoning application. The development shall be generally in conformance to the site plan and documentation attached to the case, or shall be of equivalent or lesser intensity. All uses permitted in the LC zoning district as allowed by Unified Zoning Code for property described by rezoning application.

Item 2 shall be amended as follows: Unless otherwise noted herein, all provisions of original Protective Overlay #74 shall not be applicable to land rezoning requested as noted by properties described by rezoning request (MF-18 & LC); instead to be governed by these protective overlay provisions contained herein. However, the provisions of original Protective Overlay #74 shall be binding to all properties not requested for rezoning to MF-18 & LC or any portion of land included in the remaining portion of land zoned LI with existing Protective Overlay #74. Transfer of title on all or any portion of the land does not constitute a termination of the plan or any portion thereof; but said plan shall run with the land for development and be binding upon the present land owner, their successors and assigns and their lessees unless amended. However, the Planning Director, with the concurrence of the OCI Superintendent, may approve minor adjustments to the conditions of this overlay, consistent with the approved development plan, without filing a formal amendment.

Item 3 shall be amended to add: Minimum setback requirements for the designated MF-18 parcel shall be as required by the Unified Zoning Code. Minimum setback requirements for the LC parcel shall have a front setback of 25 feet, rear – 35 feet, interior side- 15 feet and street side yard of 25 feet.

Item 4 shall be retained as: Outdoor storage and work areas shall not be located in front yard setback areas, and shall be screened from view of all internal and external streets and other ownerships within and abutting the property.

Item 5 shall be amended to add: Height: Maximum height for structures in LC shall be 40 feet. Maximum height for MF-18 shall be 45 feet.

Item 6 shall be amended to add: Signs: All property within Protective Overlay #74 (including those tracts zoned LI, LC and MF-18 zoned properties) shall be treated as one zoning lot, per the Wichita Sign Code Section 24.04.185.2.j. No signs with rotating or flashing lights shall be permitted, nor shall portable signs be permitted. An exception area(s) not greater than 35' x 35' shall be reserved in the LC parcel to allow identification signs for the MF-18 development. This exception area(s) shall be located along future 27<sup>th</sup> Street North at street(s) that connect from the MF-18 parcel to 27<sup>th</sup> Street North. All signs shall be monument signs internally illuminated or shielded external lighting. All signs shall comply with the standards of the City of Wichita Sign Code.

Item 7 shall be amended to add: No certificate of occupancy shall be issued for any buildings without municipal water and sewer service.

Item 8 shall be amended to add: Cross-lot circulation is to be provided for all lots development in the LC zoning classification for retail, commercial and office uses through the approval of site plans by the Director of Planning.

**SECTION 2.** That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

**ADOPTED this 12th day of April, 2011.**

**ATTEST:**

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Karen Sublett, City Clerk

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Carl Brewer, Mayor

(SEAL)

APPROVED AS TO FORM:

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Gary E. Rebenstorf, Director of Law